

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICHOLAS DANIEL BURSHIA,

Defendant.

CR 17–29–GF–BMM–JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendation in this case on January 17, 2024. (Doc. 69) Judge Johnston recommends that Nicholas Daniel Burshia (“Burshia”) be placed in custody for 6 months, with 45 months of supervised release to follow. (*Id.* at 1.) Burshia admitted that he violated the condition of his supervised release on January 16, 2024. (*Id.* at 2.) Burshia admitted that he 1) failed to complete his sex offender treatment program; and 2) failed to completed his 180-day term at the Alpha House Residential Reentry Center. (*Id.*)

Neither party filed objections to the Findings and Recommendations. The parties have waived the right to *de novo* review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313

(9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). The Court finds no error in Judge Johnston’s Findings and Recommendations and adopts them in full.

ORDER

Accordingly, **IT IS ORDERED:**

1. Burshia’s term supervised release is **REVOKED**. Burshia is committed to the custody of the United States Bureau of Prisons for a period of 6 months, with 45 months of supervised release to follow.

DATED this 1st day of February 2023.



Brian Morris, Chief District Judge
United States District Court